



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6167 5738

January 14, 2009

Mr. Raymond Bullick, Director
Tulare County Health and Human Services Agency
Government Plaza
5957 South Mooney Boulevard
Visalia, California 93277

Dear Mr. Bullick:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the Tulare County Health and Human Services Agency Certified Unified Program Agency (CUPA) on October 28 and 29, 2008. The evaluation was comprised of an in-office program review, and field oversight inspections, by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Tulare County Health and Human Services Agency's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on February 27, 2009.

Cal/EPA also noted during this evaluation that Tulare County Health and Human Services Agency has worked to bring about a number of local program innovations such as annual Chemical Safety Days and the development of Aboveground Storage Tank program training. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Mr. Joel Martens, CUPA Manager
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Mr. Mark Pear
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Mr. Jeff Tkach
Governor's Office of Emergency Services
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cc: Sent via email:

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Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Tulare County Division of Environmental Health

Evaluation Date: October 28 and 29, 2008

EVALUATION TEAM

Cal/EPA: Kareem Taylor

SWRCB: Sean Farrow

OES: Jeff Tkach

DTSC: Mark Pear

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA is not taking enforcement actions against handlers who are not submitting annual inventories or annual certifications of no change to their inventories. Of the 13 files reviewed, 4 did not contain a current annual inventory or annual certification of no change.</p> <p>HSC, Chapter 6.95, Section 25505 (a)(3) (OES)</p>	<p>By April 29, 2009, the CUPA will review its business plan files to determine how many handlers are out of compliance in regards to annual inventory/certification to determine the number of handlers that are not in compliance with the annual inventory reporting requirements.</p> <p>In the CUPA's 2nd progress report, include the number of enforcement actions taken against handlers that are not in compliance with the annual inventory reporting requirements.</p>
2	<p>The CUPA has not maintained the state mandated inspection frequency for all CalARP facilities. There were numerous facilities files reviewed that had inspection reports that were over 3 years old.</p> <p>CCR, Title 19, Section 2775.3 (OES)</p>	<p>By January 29, 2009, the CUPA will submit an action plan to Cal/EPA which will outline how the CUPA expects to reach the state mandated inspection frequencies for CalARP facilities.</p> <p>By June 30, 2009, the CUPA will complete at least one-third of their CalARP facility inspections.</p>

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3	<p>The CUPA has not inspected all Tiered Permitting (TP) facilities within the state mandated triennial inspection frequency.</p> <p>HSC, Chapter 6.5, Section 25201.4 (b)(2) (DTSC)</p>	<p>The CUPA shall ensure that all TP facilities are inspected by September 30, 2009. The CUPA shall indicate when the goal has been achieved in the next fiscal year (FY) 08/09 Annual Inspection Summary Report 3.</p>
4	<p>The CUPA is unable to document in certain instances that some facilities that have received a notice to comply citing minor violations have returned to compliance (RTC) within 30 days of notification. Either the business must submit a RTC certification in order to document its compliance or in the absence of certification the CUPA may reinspect the facility to confirm that compliance has been achieved. No RTC certifications or reinspection reports could be found in the files for the following facilities documenting that all minor violations had been corrected:</p> <ul style="list-style-type: none"> • 12/03/2007 inspection conducted at Surroz Chrysler located at 151 North Neely Street in Visalia, CA. • 04/12/2006 inspection conducted at McAlister's Automotive located at 822 North Ben Maddox Way in Visalia, CA. • 07/31/2008 inspection conducted at Soult's Pump located at 2873 West Inyo in Tulare, CA. • 01/04/2008 inspection conducted at Tulare Honda located at 3809 North Mooney Blvd. in Tulare, CA. • 09/21/2007 inspection conducted at Livick Truck & Bus Repair located at 525 South Mirage Avenue in Lindsay, CA. <p>HSC, Chapter 6.11, Section 25404.1.2 (c)(1) (DTSC) HSC, Chapter 6.5, Section 25187.8 (g)(h)</p>	<p>The CUPA will ensure that all facilities with minor violations self-certify that they have RTC by receipt of a RTC certification. In the absence of a RTC certification, the CUPA may document compliance with a reinspection report.</p> <p>By April 29, 2009, please submit to Cal/EPA two or three examples of RTC certifications or other follow-up documentation.</p>

CUPA Representative

Joel Martens
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

- 1. Observation:** The facility inspection reports reviewed for the business plan, hazardous waste generator, CalARP and Aboveground Storage Tank (AST) programs contained a section where an owner/operator could grant consent to inspect by providing a signature, but signatures were not always present on the inspection reports. The Underground Storage Tank (UST) inspection reports did not contain a section where an owner/operator could grant consent to inspect by providing a signature.

Recommendation: Cal/EPA recommends that before each inspection, the CUPA obtain a signature from an owner/operator to document their consent to inspect. Also, on the UST inspection reports, include a section where an owner/operator may grant consent to inspect by providing a signature. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility. This recommendation is based on the "Inspection Report Writing Guidance for UPA's". This document is available upon request and can be found at www.calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf.

- 2. Observation:** The CUPA classifies some violations on their UST inspection report as "Significant". Violations are not classified on the inspection reports for the other program elements, however, violation are classified as Class 1, Class 2, or minor in the CUPA's Envision data management system.

Recommendation: Cal/EPA recommends that the CUPA begin classifying violations as Class 1, Class 2, or minor on the inspection reports for all program elements.

- 3. Observation:** The CUPA stated that it plans to automate its RTC request letters so that inspectors can spend less time in the follow-up process and more time performing other CUPA duties. The request for RTC letters would be generated by a computer system for any facilities with outstanding violations. The letters would then be mailed by administrative staff.

Recommendation: The CUPA may want to contact the following CUPAs for assistance: Yolo County Environmental Health, Ventura County Resource Management Agency.

- 4. Observation:** The CUPA inspector conducted the UST site inspection in a thorough and professional manner. His attention to detail and knowledge of code and regulations resulted in an excellent inspection. The SWRCB would also like to commend the inspector on his working relationship with both the facility owner and the technician performing the monitoring certification.

Recommendation: none.

- 5. Observation:** UST Inspection forms do not identify Significant Operational Compliance items or provide for a summary of these items for tracking purposes.

Recommendation: The SWRCB encourages the CUPA to provide a means for determining SOC compliance during the inspection.

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An inspection “Draft” form has been given to the CUPA. This form is not required to be used by the CUPA. It is an example/tool to help the CUPA identify the SOC items that need to be reported to the SWRCB.

- 6. Observation:** Most of the Business Plan files were complete and up-to-date; however, out of the 13 random files reviewed, 2 files were missing their Emergency Response Plan, as well as, their Employee Training Policies and Procedures.

Recommendation: CUPA should review all business plans to ensure completeness and correctness.

- 7. Observation:** The CUPA has improved the frequency of its inspections with regard to its Inspection and Enforcement Plan and with the inspection of other program elements. The CUPA has inspected 572 hazardous waste generators that have been identified by the CUPA. The last three annual inspection summary reports indicate the following:

- 529 hazardous waste generators were identified in FY 05/06 of which 145 were inspected,
- 566 hazardous waste generators were identified in FY 06/07 of which 220 were inspected, and
- 596 hazardous waste generators were identified in FY 07/08 of which 207 were inspected.

The CUPA has inspected 96% of all of its known facilities generating hazardous waste over the past three fiscal years.

Recommendation: Please continue with your established inspection completion rate with in the hazardous waste program, and please also consult DTSC’s Hazardous Waste Tracking System for the number of active hazardous waste generators within your jurisdiction.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA participates in the Central Valley Safety Day committee which, in coordination with other regulatory agencies, industry professionals, vendors, and end users, will host Chemical Safety Days each year. The first Chemical Safety Day will be held at Fresno State University on May 1, 2009. The Chemical Safety Day is an opportunity for public, business, and regulatory professionals to learn about how to use chemicals (including ammonia) safely. The Central Valley Safety Day committee is planning to hold a Chemical Safety Day at different locations each year in the Central Valley Region.
2. The CUPA is involved with the training and development of the AST program. The CUPA currently regulates ASTs under the business plan program.
3. The CUPA's FY 06/07 and 07/08 narrative self audits are very thorough and provide detailed information on each of the self audit requirements of Title 27. These self audits should be the model of what UP self-evaluations should contain.
4. The CUPA has an extensive set of UST permit conditions that are attached to the operating permit.
5. During the Business Plan Oversight inspections conducted by OES, it was observed that the CUPA inspector was extremely thorough. Even though the Business Plan inspections were set up prior to arrival, the inspector asked for permission to conduct the inspections and took the pictures he felt were necessary. The inspector compared the inventories on file with the inventories at the facilities to ensure that they were in agreement. The inspector did complete walkthroughs of the facilities with the owners/operators, offered best practice suggestions, and handed out Spill Notification Booklets. The inspector answered all questions the owners/operators had. The inspector ensured that all elements of the Business Plans were current and accurate. The overall Business Plan inspections observed by OES were conducted in a very professional and thorough manner.
6. The Tulare County Department of Environmental Health issued administrative enforcement orders against several UST facilities.
7. The CUPA administers the used oil collection and household hazardous waste programs for Tulare County. During 2007, an aggregate total of 757,911 pounds of household hazardous waste, used motor oil, and universal and electronic waste was collected. The Permanent Household Hazardous Waste Collection Facility is open to the public each Saturday. Free mobile Household Hazardous Waste collection events are held 11 to 13 times each year in various locations.